

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN PETEREC-TOLINO,

Plaintiff,

24-cv-6911 (JGK)

- against -

ORDER

PENNROSE, LLC, ET AL.,

Defendants.

JOHN G. KOELTL, District Judge:

To allow the plaintiff, who is proceeding in forma pauperis, to effect service on the defendants added by the Amended Complaint, see ECF No. 9, through the U.S. Marshals Service, the Clerk of Court is instructed to send the plaintiff one U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for each defendant. Within thirty days of the date of this order, the plaintiff must complete a USM-285 form for each defendant and return those forms to the Court.

If the plaintiff does not wish to use the Marshals Service to effect service, the plaintiff must notify the Court in writing within thirty days of the date of this order and request that a summons be issued directly to the plaintiff. If within thirty days, the plaintiff has not returned the USM-285 forms or requested a summons, under Rule 41(b) of the Federal Rules of Civil Procedure, the Court may dismiss this action for failure to prosecute.

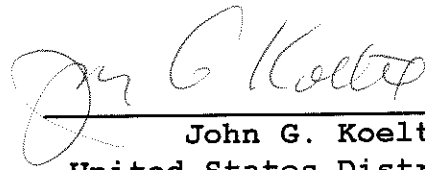
Upon receipt of each completed USM-285 form, the Clerk of Court shall issue a summons and deliver to the Marshals Service all of the paperwork necessary for the Marshals Service to effect service upon each defendant.

No matter what method of service Plaintiff chooses, the plaintiff must effect service within 90 days of the date the summons is issued. It is the plaintiff's responsibility to inquire of the Marshals Service as to whether service has been made and if necessary, to request an extension of time for service. See Meilleur v. Strong, 682 F.3d 56, 63 (2d Cir. 2012). If within 90 days of issuance of the summons, the plaintiff has not made service or requested an extension of time in which to do so, under Rules 4(m) and 41(b) of the Federal Rules of Civil Procedure, the Court may dismiss this action for failure to prosecute. Finally, it is the plaintiff's obligation to promptly submit a written notification to the Court if the plaintiff's address changes, and the Court may dismiss the action if the plaintiff fails to do so.

The Clerk is respectfully directed to mail a copy of this Order to the pro se plaintiff and to note mailing on the docket.

SO ORDERED.

**Dated: New York, New York
December 5, 2024**



**John G. Koeltl
United States District Judge**